



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

March 8, 1990
AO-90-07

Peter Mazareas, Ph.D.
20 Wendell Road
Nahant, Massachusetts 01908

Dear Dr. Mazareas:

This letter is in response to your request for an advisory opinion.

You have stated that you are employed as an Associate Professor of Management in the School of Business at a public college. You teach Strategic Planning and have an interest in the political and public policy making process.

You wish to provide certain services either as a volunteer or as a paid management consultant to political candidates, committees, and/or organizations at the local, state and federal levels. Specifically, the scope of services you propose to offer is as follows:

1. Management Consultant -- this service involves serving as a management consultant responsible for evaluating all aspects of a political campaign and organization including personnel, departments, operations and procedures.
2. Strategic Planning -- this service includes developing a strategic plan which integrates all vital strategic factors into a coordinated operational plan including deployment of human and financial resources and the development and integration of component functions (field, volunteer, political, press relations and fundraising).
3. Public Relations -- this service includes the development of a public relations program including definition and management of public policy issues, press releases, media relations and publication design.
4. Computer and Systems Development -- this service includes providing technical assistance on computer selection and set-up, data base management and software analysis, and assisting in the management of all pertinent files, lists, records and letters, including fundraising records and receipts.

5. Polling and Research -- this service includes assisting in the development and execution of polls and the resultant analysis and political strategy.

6. Field/Volunteer Structure -- this service includes advising campaign staff in the establishment of certain field and volunteer structures and involves the development of organizational goals, assigned responsibilities and the development of job descriptions..

You have stated that you would not be involved, either directly or indirectly, in the development of fundraising lists, giving names of donors or soliciting or receiving gifts. You have further stated that none of your anticipated consultant/volunteer work products are intended for resale or distribution to political candidates/committees other than for use by your clients. You would, however, expect that in some instances you would be working either directly or indirectly in the evaluation of fundraising operations, personnel administration, computer systems and volunteer structures of a campaign and/or political organization given the comprehensive and broad nature of the areas of strategic planning, public policy analysis and organizational planning. You have further stated that you believe it would be difficult to separate the aforementioned areas and still provide a meaningful and effective plan or service.

You have inquired whether the provisions of M.G.L. c.55 would prohibit you from undertaking the part-time and/or volunteer consulting work described above.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has any interest in any particular matter in which the person so employed participates or has participated in the course of such

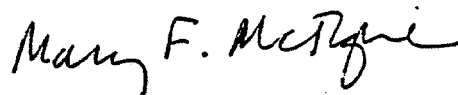
employment or which is the subject of his official responsibility.

Section 13 prohibits any person employed for compensation by the Commonwealth or any political subdivision thereof from directly or indirectly soliciting or receiving contributions for any political purpose. It is the opinion of this office that the part-time and/or volunteer consulting work you propose to undertake as described above for local, state and federal candidates, committees and/or organizations would not be considered a direct or indirect solicitation of contributions for a political purpose prohibited by section 13, provided that any work you performed was not directly related to fundraising activities. For example, if you were to develop fundraising strategies pursuant to the "Strategic Planning" service described in item 2 above, such development work would be considered an indirect solicitation prohibited by section 13. Conversely, developing computer data bases which include files related to fundraising records and letters would not be prohibited by section 13.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55. We would also advise you to consult with the State Ethics Commission about the conflict of interest law.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM/wp